

Gary A. Zipkin
Guess & Rudd P.C.
510 L Street, Suite 700
Anchorage, Alaska 99501
(907) 793-2200 Telephone
(907) 793-2299 Facsimile
E-mail: gzipkin@guessrudd.com

Attorneys for Allstate Insurance Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KAREN BARSANTI,)	
)	
Plaintiff,)	
)	
v.)	U.S. District Court Case No.
)	3:11-cv-_____()
)	
ALLSTATE INSURANCE COMPANY)	
)	
Defendant.)	Superior Court Case No.
)	3AN-12-5917 CI

NOTICE OF REMOVAL

To: Karen Barsanti	
c/o Jeffrey Barber, Esq.	and c/o Neil O'Donnell, Esq.
Barber & Banker, LLC	Atkinson, Conway & Gagnon, Inc.
821 N Street, Suite 103	420 L Street, Suite 500
Anchorage, AK 99501	Anchorage, AK 99501

LAW OFFICES OF
Guess&Rudd
P.C.
510 L STREET
SEVENTH FLOOR
ANCHORAGE, AK 99501
TELEPHONE (907) 793-2200
FACSIMILE (907) 793-2299

Notice of Removal
Barsanti v. Allstate, Case No. 3:11-cv-_____
State Court Case No. 3AN-12-5917 CI
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Allstate Insurance Company, (hereinafter "Allstate"), by and through its attorneys, Guess & Rudd P.C., hereby removes to this court the state court action described below.

1. Introduction

On March 13, 2012, plaintiff filed a suit in the Superior Court for the Third Judicial District at Anchorage, Alaska, entitled Karen Barsanti v. Allstate Insurance Company, Case No. 3AN-12-5917 CI.

The Complaint alleges that on September 14, 2008, Ms. Barsanti was "injured in an auto collision caused by the negligence and recklessness of an underinsured drunk driver."¹ The Complaint further alleges that "[o]n December 21, 2009, Ms. Barsanti triggered an underinsured motorist (UIM) bodily injury (BI) claim with Allstate" but Allstate has acted in "bad faith . . . depriving her of the fair claim handling and insurance benefits that she had paid for, and to which she was entitled under her policy."² According to the Complaint, Allstate breached its duty of good faith and fair dealing to Ms. Barsanti. Plaintiff's prayer for damages asked for "compensatory damages in an amount greater than \$100,000."³

¹ See Exhibit A, Complaint ¶ 4.

² Id. ¶ 5 & 36.

³ Id. at p.7.

This court has jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441. There is complete diversity as between the parties and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

Pursuant to 28 U.S.C. § 1446, Allstate has attached as Exhibit A all of the state court process, pleadings, and orders served upon it. This Notice of Removal is filed within thirty days after receipt by Allstate of a copy of the original summons and complaint. Id. Allstate has, simultaneously, with this filing, also filed its Notice Re Removal in the Superior Court for the Third Judicial District at Anchorage.

2. Argument

A. The Amount in Controversy Exceeds \$75,000

Where a complaint sets forth a specific amount of damages in excess of the jurisdictional amount, then the plaintiff's allegations are controlling.⁴ Because the Complaint seeks compensatory damages in excess of \$100,000, the requisite amount in controversy is satisfied.

B. Complete Diversity Exists As to All Parties

There exists complete diversity of citizenship between the parties. The Complaint asserts that plaintiff Karen Barsanti is a resident of the State of Alaska.

⁴ See Sanchez v. Monumental Life Ins. Co., 102 F.3d 398, 402 (9th Cir. 1996) ("the sum claimed by the plaintiff controls if the claim is apparently made in good faith") (quoting St. Paul Mercury Indem. Co. v. Red Cab. Co., 303 U.S. 283 (1938)).

Allstate has no reason to believe otherwise.⁵ Allstate is an Illinois corporation with its principal place of business in Illinois. As such, Allstate is a citizen of the State of Illinois for diversity purposes. 28 U.S.C. § 1332(c)(1).

3. Conclusion

Because the substantive requirements of federal diversity jurisdiction have been fully satisfied, Allstate respectfully requests that this court assume full jurisdiction over this action.

DATED at Anchorage, Alaska, this 5th day of April, 2012.


GUESS & RUDD P.C.
Attorneys for Allstate Insurance
Company

By: 

Gary A. Zipkin
Guess & Rudd P.C.
510 L Street, Suite 700
Anchorage, Alaska 99501
Phone: (907) 793-2200
Fax: (907) 793-2299
Email: gzipkin@guessrudd.com
Alaska Bar No. 7505048

⁵ See Exhibit A.

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)


Gary A. Zipkin

My Commission Expires: 10/1/2015

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